

EASTERN DISTRICT OF NEW YORK

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Alaameen Abdool

Plaintiff,

-against-

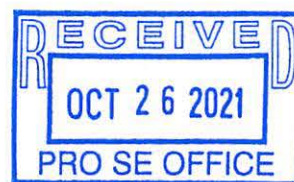
Capital One Bank USA; Experian, LLC

Defendants.

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**AMENDED  
COMPLAINT**

21 CV 4072 (\_\_\_\_)(\_\_\_\_)





## PRELIMINARY STATEMENT

Plaintiff brings this action for damages based upon Defendants' violation of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §§ 1692 et seq., and / or the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §§ 1681 et seq. Telephone Consumer Protection Act 47 (TCPA), U.S.C. § 227. Truth in Lending Act (TILA), 15 U.S.C. § 1601. Plaintiff seeks to recover statutory damages, actual damages, punitive damages, and costs.

## JURISDICTION

Jurisdiction of this Court, over this action and the parties herein, arises under 15 U.S.C. § 1692k(d) (FDCPA), 15 U.S.C. § 1681p (FCRA), and 28 U.S.C. § 1331. Venue lies in the Eastern District of New York as Plaintiff's claims arose from acts of the Defendants perpetrated therein.

## PARTIES

Plaintiff, Alaameen Abdool, is a citizen of the State of New York.

Plaintiff is a "consumer" defined 15 U.S.C § 1681a(c) of the FCRA.

As reflected on its website, Defendant is a self-proclaimed financial corporation located in Virginia.

Defendant Capital One Bank is a Delaware corporation with its principal place of business in Virginia.

Defendant Capital One Bank is a national bank with its principal place of business in Virginia.

Capital One Account Number 51780590XXXX.

Defendant Experian is a limited liability company organized and existing under the laws of Delaware that engages in the business of maintaining and reporting consumer credit information.

## STATEMENT OF CLAIM

Plaintiff brings this action for damages based upon Defendant's (Capital One Bank USA) violation of the Fair Credit Reporting Act ("FCRA") 15 U.S.C § 1681 and unlawful conduct.

1. Plaintiff alerted the credit reporting agency of a dispute regarding the allegedly erroneous information that is reported.
2. The credit reporting agency alerted Defendant of the credit information of the dispute.
3. Defendant failed to properly maintain and failed to follow reasonable procedures to assure maximum possible accuracy of Plaintiff's credit report.
4. Defendant falsely reported incorrect debt information to the national credit reporting agencies including but not limited to, the incorrect debt amount, account status, and status update.
5. The debt amount of \$1304 reported to national consumer reporting agencies by Defendant is incorrect.
6. Plaintiff has suffered concrete harm as a result of Defendant's actions, including but not limited to, invasion of privacy, and aggravation, emotional distress.
7. Plaintiff did not give consent to Defendant to report debt information to credit bureaus.
8. See attached Exhibit A.

Plaintiff brings this action for damages based upon Defendant's (Capital One Bank USA) violation of the Fair Debt Collection Practices Act ("FDCPA") U.S.C. § 1692 and unlawful conduct.

1. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692e.
2. Pursuant to 15 U.S.C. §1692e, a debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt.
3. Defendant violated §1692e:
  - a. As the credit report falsely represents the true amount of the debt in violation of §1692e(2)(A); and
  - b. By making a false and deceptive representation in violation of §1692e(10).
4. Defendant falsely reported incorrect debt information in an attempt to collect an alleged debt.
5. In or about the year of 2013 the Plaintiff started receiving calls to her phone from Defendant in an effort to collect the alleged debt.

6. During the calls, Defendant did not inform Plaintiff that making a payment would reage the debt which would make the contract invalid.
7. Plaintiff has been unfairly misled by Defendant's actions.
8. As a direct result and proximate cause of Defendants' actions in violation of the FDCPA, Plaintiff has suffered actual damages.
9. Plaintiff did not give consent to Defendant to report debt information.
10. Defendant has several billing and collections complaints on [www.bbb.org](http://www.bbb.org).
11. See attached Exhibit B.

Plaintiff brings this action for damages based upon Defendant's (Capital One Bank USA) violation of the Telephone Consumer Protection Act 47 (TCPA), U.S.C. § 227 and unlawful conduct.

1. In or about the year 2020 the Plaintiff started receiving automated dialer/robocall calls to her phone from Defendant.
2. Plaintiff received over 200 calls from Defendant in an attempt to collect the alleged debt.
3. Plaintiff did not give consent to receive automated dialer/robocalls from Defendant.
4. The Defendants' excessive calls affected Plaintiff's ability to use their phone, work and cause emotional and physical distress.
5. See attached Exhibit C.

Plaintiff brings this action for damages based upon Defendant's (Capital One Bank USA) violation of the Truth in Lending Act (TILA), 15 U.S.C. § 1601 and unlawful conduct.

1. Defendant misled Plaintiff about the lending practice of Capital One Bank USA.
2. Defendant did not disclose the full lending disclosures to the Plaintiff.
3. Plaintiff did not give consent to lending disclosures given by the Defendant.
4. As a direct result and proximate cause of Defendants' actions in violation of the TILA, Plaintiff has suffered actual damages.

Plaintiff brings this action for damages based upon Defendant's (Experian, LLC) violation of the Fair Credit Reporting Act ("FCRA") 15 U.S.C § 1681 and unlawful conduct.

1. Defendant falsely reported incorrect debt information including but not limited to, the incorrect debt amount, account status, and status update.
2. Defendants failed to properly maintain and failed to follow reasonable procedures to assure maximum possible accuracy of Plaintiff's credit report.
3. At all times pertinent hereto, the conduct of Defendants, as well as that of their agents, servants and/or employees, were malicious, intentional, willful, reckless, negligent and in disregard for federal law and the rights of the Plaintiff.
5. As a direct result and proximate cause of Defendants' actions in violation of the FCRA, Plaintiff has suffered actual damages.
6. Plaintiff did not give Defendant consent to report debt information.
4. See attached Exhibit A.

As a result of Defendant's conduct, actions, and/or inactions, Plaintiff suffered damage by loss of credit, loss of ability to purchase and benefit from the credit, increased interest rate, loss of loans, humiliation, and embarrassment of credit denials.

1. Plaintiff was denied credit cards, and credit increases because of Defendants' unlawful conduct.
2. As a direct result and proximate cause of Defendants' actions in violation of the FCRA, Plaintiff has suffered actual damages.
3. See attached Exhibit D.